**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE J.B.KOSHY**
**&**
**THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN**

**MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929**

**MFA.No. 632 of 2002()**
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**OP(MV).40/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THODUPUZHA**
**DT.29.6.2001**

**.....**

**APPELLANT: APPELLANT/PETITIONER:**
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**ANISH, S/O. ANTONY, AGED 23,**
**RESIDING AT PUTHENCHIRACKAL VEEDU,**
**PONNARATHANPARAPPU, AYYAPPANKOVIL, IDUKKI.**

**BY ADV. SRI.K.JAJU BABU**
**SRI.M.V.BIPIN**

**RESPONDENTS: RESPONDENTS**
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**1. P.K. SUNNY, PULILCKAL HOUSE,**
**UPPUTHARA, IDUKKI.**

**2. THE NEW INDIA ASSURANACE CO.LTD.,**
**KATTAPPANA, IDUKKI.**

**BY ADV. SRI.KKM.SHERIF - R2**
**SMT.K.A.CIJILA**
**SRI.MATHEW JOHN (K) - R1**
**SRI.BABY THOMAS**

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**J.B.KOSHY & K.P.BALACHANDRAN, JJ.**

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M.F.A.No.632 OF 2002

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Dated 28th May, 2007

**JUDGMENT**

**Koshy,J.**

An eighteen year old youngster met with an accident by which he sustained bleeding injuries to the head. The wound certificate dated 14.5.1996 shows that it is a suspected head injury and referred to Medical College Hospital. He claimed a compensation of Rs.2,00,000/=. According to him, he had hearing impairment due to the accident. A disability certificate was produced which only shows that there is visual disability to the extent of 20%. In the claim petition he had no case that visual capacity was affected. The claim was filed after seven months and in the disability certificate it is not stated that the above visual disability of 20% in one eye is the result of any motor accident. the Tribunal awarded a total compensation of Rs.27,400/=. In the absence of any materials to show that disability was due to the accident, no compensation was awarded for permanent disability. Tribunal also directed the insurance company to deposit the compensation and recover it from the insured i.e., the owner of the vehicle, as the driver had no driving licence. Considering the nature of injuries, we are of the view that just and reasonable compensation was awarded. There is no evidence

to show that 20% visual disability was caused due to the accident and, therefore, we are of the view that the Tribunal was justified in not granting any compensation for the permanent disability. Considering the total amount awarded etc., we are of the view that no interference is required in the award.

The appeal is dismissed.

**J.B.KOSHY**
**JUDGE**

**K.P.BALACHANDRAN**
**JUDGE**

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